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Again in § 63, the author says that "I confess to an inability to grasp the distinction" between the agency cases holding that "an omission of a duty is not enough to constitute a conversion," and those that hold "some positive act of the agent producing the effect of depriving the principal of his property" is necessary to constitute conversion. From this, and similar statements, and from citations similar to that of *Fouldes v. Willoughby*, above, and the citations of secondary authorities, as "26 Am. & Eng. Enc. L. 767" (p. 11), Wait's Actions & Defenses, 128, 155" (p. 26), "2 Cyc. 312" (p. 28), of which there are many, one feels that much of the text has been written from secondary authorities, rather than from a profound study of the cases themselves, which "doth open the window of the laws, to let in that gladsome light, whereby the right reason of the rule (the beauty of the law) may be clearly discerned."

H. L. WILGUS.

CONSTITUTIONALITY AND CONSTRUCTION OF WORKMEN'S COMPENSATION LAWS.

By Lindley D. Clark, M. A., LL. M. Reprint from Bulletin No. 203 of the Bureau of Labor Statistics, United States Department of Labor, Washington, D. C., 1917; pp. 132 (165-296 of the Bulletin).

This is the result of a study of about three hundred cases "available up to near the close of the year 1916." The topics treated are: Due process; jury trial; liability without fault; classification of employments; equal protection; exercise of judicial powers by commissions; freedom of contract, status of benefit funds; police power; injuries compensated,—accidents, occupational diseases, disfigurement, proximate cause; employments,—domestic and farm labor, hazardous, casual employments, other exclusions, public employees, children unlawfully employed, extraterritoriality, admiralty, interstate commerce, alien beneficiaries "arising out of and in course of employment;" willful misconduct; liability of third parties; temporary disability; partial disability; total disability; dependence; basis of awards; settlements; medical treatment; election; exclusiveness of remedy; notice and claim; disputes; evidence; insurance; experience under the acts; mutual insurance companies,—a copy of the New York Workmen's Compensation Insurance—Mutual Companies, law (Ch. 28, Art. 5-A) being given here, with a list of the states having such laws (p. 293).

A note at the end of the pamphlet, dated March 28, 1917, calls attention to the fact that the Supreme Court of the United States had (since the pamphlet was prepared) rendered opinions sustaining the constitutionality of the New York law (new compulsory law, enacted after *Ives' Case* was decided), *N. Y. C. R. R. v. White*, 37 S. C. 247; the Washington law (compulsory on employers both as to compensation and insurance), *Mountain Timber Co. v. Washington*, 37 S. C. 260; and the Iowa law (an elective one), *Hawkins v. Bleakly*, 37 S. C. 255. All the incidental constitutional questions,—as to negligence, abrogation of common law defenses, liability without fault, freedom of contract, jury trial, and due process,—were also passed on in these cases, and the laws sustained.

Attention is called to the different attitudes of the New York Court of Appeals, and the Wisconsin Supreme Court, as to the application of "So-

biological jurisprudence" in the interpretation of Constitutions by quotations: "When our constitutions were adopted it was the law of the land that no man who was without fault or negligence could be held liable in damages for injuries sustained by another,"—and the ordinary risks of the business could not constitutionally be imposed on the employer. (*Ives v. South Buffalo Ry. Co.*, 201 N. Y. 271, 94 N. E. 431); "In the absence of an express provision, conditions prevailing at the time of adoption of the constitution and subsequent changes in social and economic affairs should be compared and weighed, and no attempt should be made to hold back the legislation needed for present conditions by reason of earlier constructions and interpretations," (*Borgnis v. Falk Co.*, 147 Wis. 327, 133 N. W. 221).

This small pamphlet will be found to be a very convenient and useful manual of the cases to the date of publication. Although there is no index (except an alphabetical list of cases), most of the material can readily be found in the table of contents. There is little discussion and no padding,—but the points decided in the cases are clearly stated, and compared, and differences noted. The whole work can be read in a short time, and will give a basic view of the problems involved.

H. L. WILGUS.

WORKMEN'S COMPENSATION ACTS.. A Corpus Juris Treatise. By Donald J. Kiser, author of "Conflict of Laws," "Contracts," and several other articles in "Cyc." New York; The American Law Book Co., 1917; pp. 1-146.

This is "a Corpus Juris article on the subject, designed for temporary use until the topic is reached in due course of publication of Corpus Juris, but prepared with the care which would be given in a permanent treatise." It is prepared in the well known Corpus Juris style,—about one-fourth text, and three-fourths citations of authorities and quotations from cases and statutes, preceded by an elaborate analysis and subdivision into sections.

There are seventeen main headings in this analysis: Definition, classification, and distinctions, §§ 1-4. Purpose and history of legislation, § 5. Constitution and validity of statutes, §§ 6-27. Conflict of laws, §§ 28-33. General rules of construction, § 34. Employments included, § 35. Employers within intent of acts, §§ 36-37. Employees within intent of acts, §§ 38-43. Acceptance or election to come under act; **waiver and release of rights**; substituted schemes, §§ 44-48. Dependents entitled to compensation, §§ 49-52. Injuries for which compensation may be had, §§ 53-78. Amount and period of compensation, §§ 79-100. Procedure to secure compensation, §§ 101-150.—Review and termination of compensation; suspensory awards, §§ 151-152. Effect of act on other causes of action and defenses, §§ 153-173. Insurance funds and premiums, § 174. Administrative officers and boards, § 175. Many of these main headings,—especially those relating to the injuries, amount, and procedure,—are divided and subdivided, so that one can readily find the matter for which he seeks.

Attorneys are generally so familiar with the "Cyc-Corpus Juris System," that it seems unnecessary to say more. This is clearly an excellent exam-